

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney, AICP, Development Services Director/ (954) 797-1101

PREPARED BY: Christopher M. Gratz, Planner II

SUBJECT: Delegation Request, DG 4-1-05 The Plaza, 11200 SR 84/Generally located at the southwest corner of State Road 84 and Hiatus Road

AFFECTED DISTRICT: District 3

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DELEGATION REQUEST TO CHANGE THE RESTRICTIVE NOTE ON THE PLAT KNOWN AS THE PLAZA; AND PROVIDING AN EFFECTIVE DATE.

REPORT IN BRIEF: The request is to increase the maximum amount of commercial use allowed on the plat known as The Plaza by approximately 30,000 square feet. Specifically, the existing plat note states: "This plat is restricted to 153,122 square feet of commercial use on Parcel A; and 8,750 square feet of commercial use on Parcel B." The proposed plat note states: "This plat is restricted to 183,000 square feet of commercial use on Parcel A; and 8,750 square feet of commercial use on Parcel B."

Approval of the request is necessary to implement the approved site plan for The Plaza, and the proposed site plan, SP 4-10-05 Hollywood Video/Wendy's, which is being considered concurrently.

The plat can support the requested amount of commercial use and be in conformance with all applicable Codes and Ordinances. The development, as existing and as proposed, can be considered compatible with the surrounding properties.

PREVIOUS ACTIONS: On February 15, 2006 the Town Council tabled this item to March 1, 2006.

CONCURRENCES: N/A

FISCAL IMPACT: N/A

RECOMMENDATION(S): Staff finds the subject application complete and suitable for transmittal to the Town Council for further consideration.

Attachment(s): Resolution, Staff Report

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DELEGATION REQUEST TO CHANGE THE RESTRICTIVE NOTE ON THE PLAT KNOWN THE PLAZA; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the plat known as The Plaza was approved by the Town Council of the Town of Davie on March 7, 1984; and

WHEREAS, the plat known as The Plaza was recorded in the official records of Broward County in Plat Book 125, Pages 30-33; and

WHEREAS, the owners desire to revise the restrictive note associated with said plat; and,

WHEREAS, Broward County requires that the Town of Davie concur with this revision prior to a review of the proposed by Broward County Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. The Town Council of the Town of Davie does hereby approve the delegation request to change the restrictive note on the plat known as The Plaza. The proposed revision being specifically described on the planning report attached hereto as Exhibit "A".

SECTION 2. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2006.

MAYOR/COUNCILMEMBER

Attest:

TOWN CLERK

APPROVED THIS ____ DAY OF _____, 2006

TOWN OF DAVIE
Development Services Department
Planning and Zoning Division
Staff Report and Recommendation

Applicant Information

Owner:

Name: David Coppa
Konover South, Inc
Address: 7000 West Palmetto Park Road, Suite 203
City: Boca Raton, FL 33433
Phone: (561) 394-4224

Petitioner:

Name: Stephen K. Tilbrook, Esq.
Shutts & Bowen, LLP
Address: 200 East Broward Boulevard, Suite 200
City: Fort Lauderdale, FL 33301
Phone: (954) 847-3830

Background Information

Application Request: Approval of the resolution to authorize the change in the restrictive note on the plat known as The Plaza.

Existing Plat Note: "This plat is restricted to 153,122 square feet of commercial use on Parcel A; and 8,750 square feet of commercial use on Parcel B."

Proposed Plat Note: "This plat is restricted to 183,000 square feet of commercial use on Parcel A; and 8,750 square feet of commercial use on Parcel B."

Address/Location: 11200 SR 84/Generally located at the southwest corner of State Road 84 and Hiatus Road

Future Land Use

Plan Map Designation: Commercial

Zoning: B-2, Community Business District

Existing/Proposed Use: Shopping center

Net Parcel Size: 24.618 acres (1,072,360.08 square feet)

	<u>Surrounding Uses:</u>	<u>Surrounding Future Land Use Plan Map Designations:</u>
North:	State Road 84	Transportation
South:	Rexmere Village	Residential (10 DU/ AC)
East:	Cameron Palms Apartments	Special Classification Residential (8.5 DU/ AC)
West:	The Plaza II	Commercial
	<u>Surrounding Zoning:</u>	
North:	T, Transportation District	
South:	R1-T, Broward County Trailer Park District	
East:	RM-10, Medium Density Dwelling District	
West:	B-2, Community Business District	

Zoning History

Plat: The plat, The Plaza, was approved on March 7, 1984, and was recorded in the official records of Broward County in Plat Book 125, Pages 30-33.

The plat, The Plaza II, was approved on December 5, 1984, and was recorded in the official records of Broward County in Plat Book 126, Pages 24-27.

The delegation request, DG 1-1-01 The Plaza, to allow fast food use and increase the maximum amount of square footage on the site, was approved on January 17, 2001.

The delegation request, DG 4-1-05 The Plaza, to increase the plat allowance from: Parcel A is restricted to 153,122 square feet of commercial use; Parcel B is restricted to 8,750 square feet of commercial; to: Parcel A is restricted to 183,000 square feet of commercial, Parcel B is restricted to 8,750 square feet of commercial; has been submitted concurrently with this site plan request because it is necessary in order to allow the development of the proposed structure.

Site Plans: The site plan, SP 7-1-00 Walgreen's, was approved on November 4, 2000.

The site plan, SP 4-8-02 McDonald's (Parcel E), was approved on August 21, 2002, but was not implemented. Previous approved site plans for The Plaza indicated five (5) outparcels (A-E) within the overall center. The overall center has been modified through the deletion of outparcels A, B, and C. These parcels are no longer considered outparcels, but instead will be permitted to be developed with outbuildings. Development of these outbuildings shall be consistent with the architectural theme of the overall center, will not be sold as individual parcels, and a 60 foot landscape buffer adjacent to State Road 84 will be provided.

The site plan, SP 11-5-03 Ruby Tuesday's (Parcel C), was approved on June 1, 2004.

The site plan, SP 4-10-05 Hollywood Video/Wendy's (Parcel E), for an 8,144 square foot structure with retail and fast food uses, is being considered concurrently with this request.

Applicable Codes and Ordinances

§12-24 (5) Community Business (B-2) District. The B-2 District is intended to implement the commercial designation of the Town of Davie Comprehensive Plan by providing for a business area to service the shopping and limited service needs of several neighborhoods or the local community.

§12-83 Conventional Nonresidential Development Standards, B-2, Community Business District requires the following minimums: 52,500 square feet lot area, 200' frontage and depth, 20' on sides abutting residentially zoned properties, 25' adjacent to rights-of-way, 30% open space, 40% maximum building coverage, and 35' maximum height.

Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 4. This Planning Area is bordered by SR 84 on its north, University Drive on its east, Flamingo Road on its west, and an irregular border on its south that corresponds to Nova Drive and, SW 14 Street and the Village of Harmony Lakes development.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 100. The Broward County Land Development Code requires that any changes or waivers to requirements of development permit applications be reviewed and approved or disapproved by the municipality with final approval by Broward County Commission.

Applicable Goals, Objectives & Policies: *Future Land Use Plan, Objective 5: Consistency of Development with Comprehensive Plan, Policy 5-2:* The (re)zoning, (re)planning, and site planning of land shall be in compliance with the density ranges shown on the Davie Future Land Use Plan map and the applicable Future Land Use Designation provisions as contained in the Permitted Use portion of the Implementation Section.

Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-3: Each development proposal shall be reviewed with respect to its compatibility with adjacent existing and planned uses.

Application Details

The request is to increase the maximum amount of commercial use allowed on the plat known as The Plaza by approximately 30,000 square feet.

Staff Analysis

Approval of the request is necessary to implement the approved site plan for The Plaza, and the proposed site plan, SP 4-10-05 Hollywood Video/Wendy's, which is being considered concurrently.

Findings of Fact

The plat can support the requested amount of commercial use and be in conformance with all applicable Codes and Ordinances. The development, as existing and as proposed, can be considered compatible with the surrounding properties.

Staff Recommendation

Staff finds the subject application complete and suitable for transmittal to the Town Council for further consideration.

Town Council Action

Exhibits

1. Justification
2. Plat
3. Future Land Use Plan Map
4. Zoning and Aerial Map

Prepared by: _____

Reviewed by: _____

**SHUTTS
&
BOWEN
LLP**

ATTORNEYS AND COUNSELLORS AT LAW

STEPHEN K. TILBROOK
(954) 847-3830 Direct Telephone
(954) 888-3076 Direct Facsimile

E-MAIL ADDRESS:
stilbrook@shutts-law.com

April 19, 2005

Mr. Mark Kutney, Director
Development Services Department
Town of Davie
6591 Orange Drive
Davie, FL 33314

Re: Justification Letter for Delegation Request Application

Dear Mr. Kutney:

Please accept this letter as the Justification Letter for the Delegation Request Application for a proposed note change for The Plaza Plat. In order to complete build out of The Plaza project, the Applicant requests this note amendment in order to add approximately 30,000 square feet of commercial use for Parcel "A". The additional commercial development will permit the build-out of currently undeveloped parcels of The Plaza, allow the development of an existing outparcel, and permit general upgrades and improvements to the project. We are working with Broward County in order to mitigate any traffic impacts associated with this plat note amendment.

Thank you for your attention and consideration in this regard. Please contact me if you have any questions or comments on this matter.

Sincerely yours,

SHUTTS & BOWEN LLP



Stephen K. Tilbrook
Partner

SKT/mal

FTLDOCS 5108748 1

200 EAST BROWARD BOULEVARD, SUITE 2000 • FORT LAUDERDALE, FLORIDA 33301 • TELEPHONE: (954) 524-5505 • FAX: (954) 524-5506 • www.shutts-law.com

MIAMI

FORT LAUDERDALE

WEST PALM BEACH

ORLANDO

JALAHASSEE

AMSTERDAM

LONDON

SHEET 1 OF 3

A PLAT OF A PORTION OF SECTION 12, TOWNSHIP 50 SOUTH, RANGE 40 EAST,
TOWN OF DAVIE, BROWARD COUNTY, FLORIDA

TOWN PLANNING AND ZONING BOARD

THIS IS TO CERTIFY THAT THE PLANNING AND ZONING BOARD OF THE TOWN OF DAYLE, DONAHUE COUNTY, FLORENDA, HAS APPROVED AND ACCEPTED THE ATTACHED PLAN.

J. E. S. [Signature]
 ST. CLAIR, Missouri - 11/1/50
 DIRECTOR OF DEVELOPMENT SERVICES
 CHINA: 1-2-50 DATE

TOWN COUNCIL

THIS IS TO CERTIFY THAT THIS PLAT HAS BEEN APPROVED AND ACCEPTED BY THE TOWN COUNCIL OF DADE COUNTY, FLORIDA, BY RESOLUTION ADOPTED THIS 27th DAY OF ~~APRIL~~ 1984, AND THAT BY SAID ADOPTION THE EASEMENTS AND ENCUMBRANCES SHOWN ON THIS PLAT WERE ACCEPTED IN THE NAME OF SAID TOWN.

TESTED BY: John Waver
DATE: 10/06/08
BY: RAYON

HOWARD COUNTY FINANCE AND ADMINIST. SERVICES
DEPT., COUNTY RECORDS DIVISION-MINUTES SECTION
THIS IS TO CERTIFY THAT THIS PLAY COMPLIES WITH THE PROVISIONS OF CHAPTER 177,
FLORIDA STATUTES, AND WAS ACCEPTED FOR RECORD BY THE BOARD OF COMMISSIONERS OF
HOWARD COUNTY, FLORIDA, THIS 1ST DAY OF *Nov.*, A.D. 19*67*.

TEST: P. T. JOHNSON
COUNTY ADMINISTRATOR
CLERK - BOARD OF COUNTY COMMISSIONERS

BROWARD COUNTY FINANCE AND ADMINIST. SERVICES
DEPT., COUNTY RECORDS DIVISION-RECORDING SECTION
THIS INSTRUMENT WAS FILED FOR RECORD THIS 22nd DAY OF November, A.D. 1985.

TEST: F. T. JOHNSON
COUNTY ADMINISTRATOR

ROWARD COUNTY PLANNING COUNCIL

THIS IS TO CERTIFY THAT THE BROWARD COUNTY PLANNING COUNCIL APPROVED THIS PLAN IN REGARDS TO RELOCATION OF NIGHTS-OF-WAY BY RESOLUTION DRY ADOPTED 15-33-84 DAY OFFICER W. A. P. 1984

DATE: 2-2-68

HOWARD COUNTY ENGINEERING DIVISION
THIS PLAN IS APPROVED AND ACCEPTED FOR RECORD.

Henry P. Cobb
HENRY P. COBB
DIRECTOR
F.A. P. C. NO. 12506
DATE

ENTRAL BROWARD DRAINAGE DISTRICT

Wagner & Bohner
CHAMPAIGN

DESCRIPTION

PORTION OF THE EAST ONE-HALF(1/2) OF SECTION 12, TOWNSHIP 50 SOUTH, RANGE 40 EAST, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

[illegible][illegible]

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT REPRESENTATION OF THE FACTS SHOWN AND DESCRIBED HEREIN, AND THAT THE INFORMATION SHOWN HEREIN IS INTENDING TO SUPPORT DATA IS IN ACCORDANCE WITH THE REQUIREMENTS OF CHAPTER 177, CONCERNING STATUTES AND THAT I AM A PROFESSIONAL LAND SURVEYOR IN THE STATE OF ILLINOIS, REGISTRATION NO. 33-545 AND THAT PERMANENT REFERENCE MONUMENTS (P.R.M.) ARE BEING POSITIONED TO THE ACCORDING OF THIS PLAT.

DATE: 2-7-04
Section 73 Case
 LARSON M. CROSS
 REGISTERED LAND SURVEYOR NO. 5348
 STATE OF IOWA

GENERAL NOTES

3. \odot INDICATES PERMANENT DEFECTS REMOVED (P. 8.1.).
4. \odot *in situ* INDICATES NON-REMOVAL ACCESS LINE.
5. MECHANICAL TESTS DESCRIBED BELOW THIRD PROCEDURES AND ARE RELATIVE TO THE INITIAL GEOMETRIC VERTICAL POSITION OF 1979.
6. MECHANICAL ELEMENTS ARE LISTED LOCATED ON TOP OF P. 8.1.
7. Y AND Z COORDINATES AND BEARING, SHOWN ON THE EAST LINE OF SECTION 22, THROUGHOUT SOUTH, HAVE ON EAST, AS SHOWN ON THE COMPACTIONED RECOVERY MAP, II, AS THE MEASURE OF INCLINATION. PLAT 1000, A, PAGE 24 OF THE PUBLIC RECORD OF INDIAN COUNTY, PLANT 1000, II, REMOTES AREA, II, REMOTES EAST.
8. PLANT-2000 MECHANICAL IN THIS PLAT 13.1000, SOURCE YEL.

DEDICATION

STATE OF FLORIDA
COUNTY OF HAWAII

KNOW ALL MEN BY THESE PRESENTS THAT CERTAIN DEED AND PAROLLY DEED, HIS WIFE, OWNERS OF THE LANDS SLOW AND RESIDES HEREIN HAVE CAUSED SAID LANDS TO BE CONVEYED, SUBDIVIDED AND RATTED IN THE POWER SMOKE HEREON, SAID PLAT TO BE FORWINGED, THE PLAZA, RIGHT-OF-WAYS AND EASEMENTS AS SHOWN HEREON ARE HEREBY DESIGNATED TO THE PUBLIC FOR PROPER PURPOSES. LONGEVITY OF PARCEL TO BE 100 YEARS.

1ST: Carolee Green Walter Brown
 CURTIS DEEN WITHER AS TO BOTH
 2ND: Marjorie Brown John E. Brown
 MADE IN DEEN MADE IN 34 552418

ACKNOWLEDGEMENT

STATE OF FLORIDA
COUNTY OF BREVARD
US[illegible]

BY: Barbara J. Keller
NOTARY PUBLIC, STATE OF FLORIDA.

RECEIVED

413

**Town of Davie
Planning & Zoning**

THE PLAZA

A PLAT OF A PORTION OF SECTION 12, TOWNSHIP 50 SOUTH, RANGE 40 EAST,
TOWN OF DAVIE, BROWARD COUNTY, FLORIDA

THIS PORTFOLIO PREPARED BY
DANIEL CARNAHAN
COORDINATING EDITOR, INC.,
111 E. ATLANTIC BLVD., MIAMI, FLA.

DEDICATION:

STATE OF FLORIDA
COUNTY OF BROWARD

KNOW ALL MEN BY THESE PRESENTS THAT STEVE PLAZA-BE AKA JOHN VENTURE, OWNER OF THE LANDS SHOWN AND DESCRIBED HEREON HAS CAUSED SAID LANDS TO BE SURVEYED, SUBDIVIDED AND PLATTED IN THE MANNER SHOWN HEREON, SAID PLAT TO BE KNOWN AS THE PLAZA, ALLOTS-OF-LAYS AND EASEMENTS AS SHOWN HEREON ARE HEREBY DEDICATED TO THE PUBLIC (NO PRODD) PURPOSES. (OWNER EXCEPT PARCEL B)

Witness
Richard L. Harrison
James L. Sperry

BY: GENERAL SERVICE CORPORATION
OF THE GOLD COAST, INC., A
FLORIDA CORPORATION
(Joint Venture)

and
by SYBAR, A DEVELOPMENT COMPANY
(a partnership, not incorporated)
(Joint Venture)
by HEAD-SYBAR, LTD., Partner
(a limited partnership)
Robert A. Carnavil
ROBERT A. CARNAVIL, GENERAL MANAGER

ACKNOWLEDGEMENT:

STATE OF MARYLAND
COUNTY OF BALTIMORE

The foregoing declaration was made and acknowledged before me on October 2, 1985 by JED, ARNOLD BROWN, as President of GENERAL SERVICE CORPORATION OF THE GOLD DUST, INC., a Florida corporation, in behalf of the corporation as a joint venture of Florida PLAZA-84, JOINT VENTURE, a legal entity partnership under the laws of the State of Florida, in behalf of the legal entity partnership.

James L. Travis
SOLICITOR GENERAL, STATE OF MARYLAND
My Commission expires: 7-1-76

ACKNOWLEDGEMENT:

STATE OF FLORIDA
DEPARTMENT OF REVENUE

The foregoing declaration was made and acknowledged before me on October 22, 1995

James M. H.
NOTARY PUBLIC, STATE OF FLORIDA
My Comm[iss]ion expires: 7-1-07.

CONSENT OF MORTGAGEE

STATE OF MARYLAND 81
COUNTY OF BALTIMORE

FORGON ALL HER BY THESE PRESENTS THAT GENERAL SERVICE CORPORATION OF THE GOLD COAST, A FLORIDA CORPORATION, THE OWNER AND HOLDER OF THAT CERTIFICATE MORTGAGE RECORDED IN OFFICIAL RECORDS BOOK ~~6444~~ AT PAGE ~~64~~ OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, CONSENTS TO THE OFFICIAL RECORDS SHOWING HEREIN.

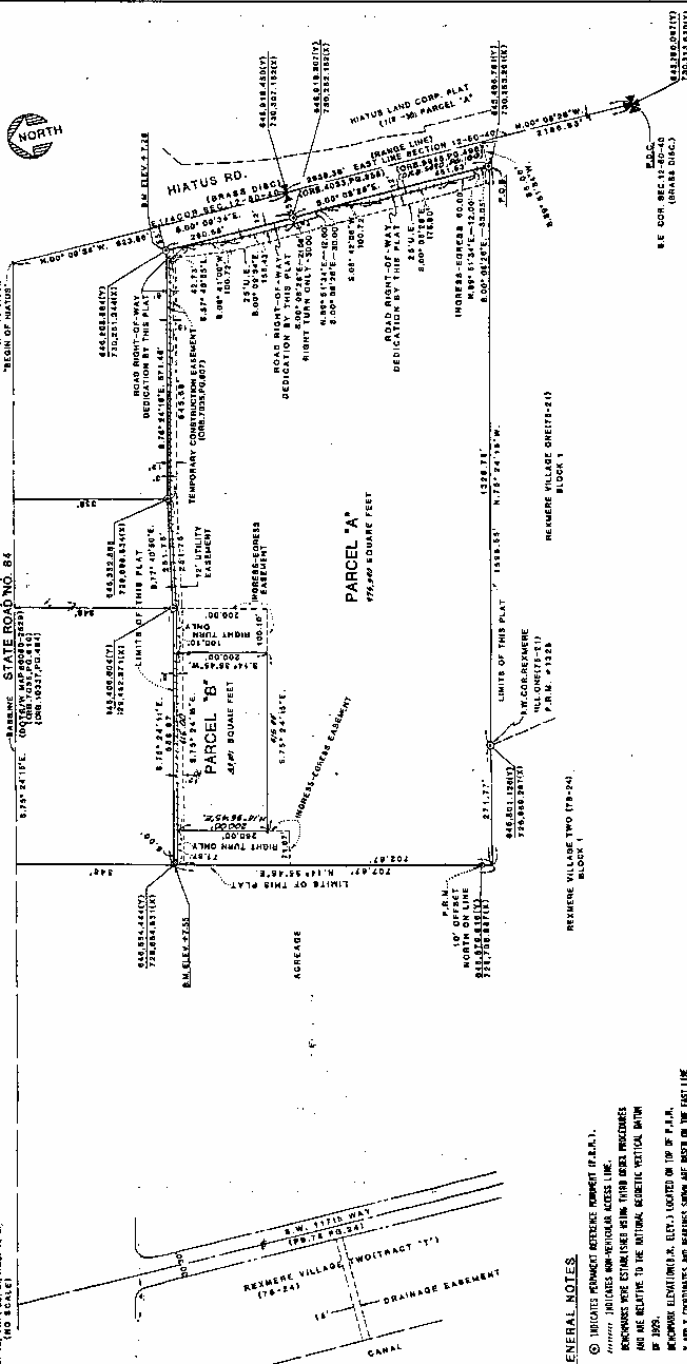
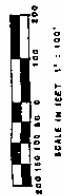
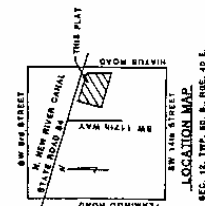
[Signature]
WITNESS

[Signature]
JOEL BARRY BROWN, PRESIDENT

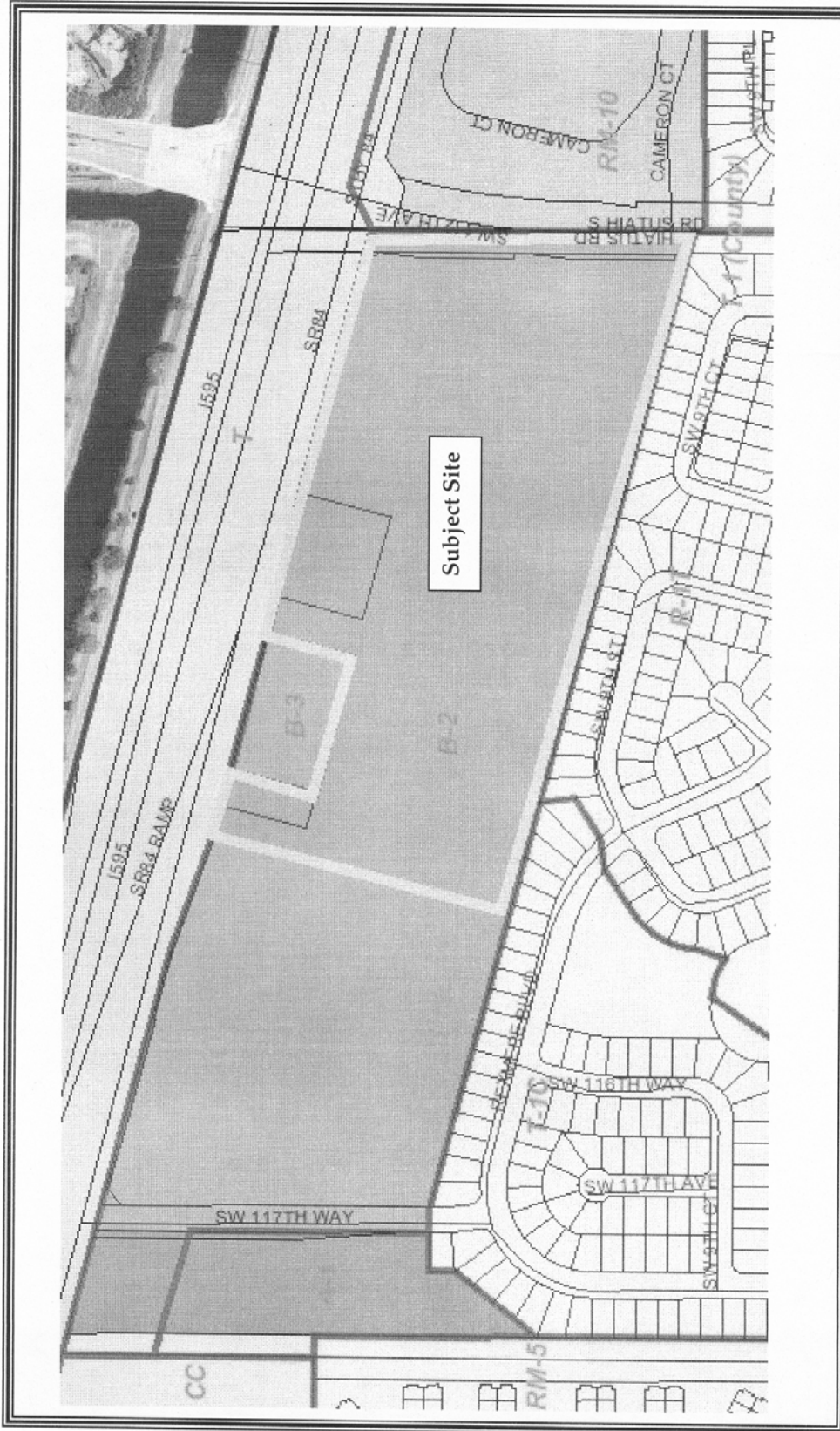
GENERAL SERVICE CORPORATION
OF THE GOLD COAST, INC., A FLORIDA
CORPORATION

Joel Barry Brown
JOEL BARRY BROWN, PRESIDENT

[illegible]



- [illegible]



Delegation Request
 DG 4-1-05, The Plaza
 Future Land Use Plan Map

Prepared By: C.M.G.
 Date Prepared: 2/1/06



The Town of Davie
 Development Services Department
 Planning and Zoning Division



Scale: N.T.S.

